


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
OCT 04 2010  
  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MICHAEL WILBOURN,

Defendant.

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CR 10-40007-02

ORDER

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Pending before the Court are five Motions filed by the Defendant James Michael Wilbourn: Motion to Sever because he has no relationship with his co-Defendant (Doc. 63), Motion to Dismiss because of selective prosecution (Doc. 64). Motion to Dismiss because of violations of the Speedy Trial Act (Doc. 65), Motion to Suppress because the testimony of the confidential informant is not credible (Doc. 66), and Motion to Dismiss under F.R.Crim.P. 48(b) because he was not promptly given his initial appearance under Rule 5 (Doc. 67). The Court has reviewed all five Motions, Magistrate Judge Simko's Report and Recommendation of September 14, 2010, Doc. 79, and Defendant's Objections, Doc. 80.

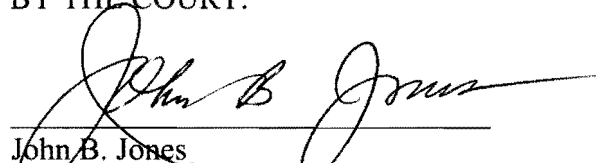
The factual statements made in the Report and Recommendation are adopted and will not be repeated. Accordingly,

IT IS ORDERED:

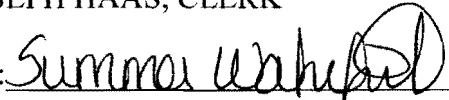
1. That the Magistrate Judge's Report and Recommendation, Doc. 79, is ADOPTED by the Court, and Defendant's Motion to Sever because he has no relationship with his co-Defendant (Doc. 63), Motion to Dismiss because of selective prosecution (Doc. 64). Motion to Dismiss because of violations of the Speedy Trial Act (Doc. 65), Motion to Suppress because the testimony of the confidential informant is not credible (Doc. 66), and Motion to Dismiss under F.R.Crim.P. 48(b) because he was not promptly given his initial appearance under Rule 5 (Doc. 67) and Objections to the Report and Recommendation, Doc. 80, are DENIED.

Dated this 4<sup>th</sup> day of October, 2010.

BY THE COURT:

  
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John B. Jones  
United States Senior District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY:   
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DEPUTY